

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STATE OF MISSOURI; MICHAEL L. PARSON,  
Governor of the State of Missouri, in his official  
capacity; and ANDREW BAILEY, Attorney General  
of the State of Missouri, in his official capacity,

Defendants-Appellants.

No. 23-1457

**UNOPPOSED MOTION FOR 30-DAY EXTENSION  
OF TIME IN WHICH TO FILE RESPONSE BRIEF**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27, the United States respectfully moves for a 30-day extension of time, to and including July 12, 2023, in which to file its response brief on appeal. Defendants-appellants State of Missouri *et al.* do not oppose this request.

1. The United States brought this lawsuit in the Western District of Missouri to enjoin the State of Missouri and its agencies and officials from implementation of Missouri H.B. 85, also known as the Second Amendment Preservation Act. The United States sought summary judgment in its favor, arguing that H.B. 85 is invalid under the Supremacy Clause of the U.S. Constitution. The district court granted the government's motion, concluding that H.B. 85 is invalid in its entirety and

enjoining “any and all implementation and enforcement” of the statute. The court entered an administrative stay of its decision pending this Court’s consideration of an appellate stay motion. Defendants-appellants then moved in this Court for a stay pending appeal, which the United States opposed on March 17, 2023.

2. Appellants’ opening brief was originally due by May 1, 2023. After receiving one extension from this Court, appellants’ opening brief was accepted for filing on May 11, 2023.

3. Under this Court’s docketing notice of May 11, 2023, the United States’ response brief is currently due by June 12, 2023.

4. The requested thirty-day extension is necessary to ensure adequate time for counsel to consult within the federal government and to prepare and file the United States’ response brief.

The attorney with primary responsibility for this matter is Jeffrey E. Sandberg of the U.S. Department of Justice, Civil Division, Appellate Staff. Mr. Sandberg is currently occupied with other appellate litigation, including, *inter alia*, *USA Sales, Inc. v. Office of United States Trustee*, No. 21-55643 (9th Cir.) (in-person oral argument scheduled for June 7, 2023), and *In re Teter*, No. 22-3778 (6th Cir.) (in-person oral argument scheduled for June 13, 2023). In addition, Mr. Sandberg will be taking previously scheduled annual leave from June 23-30, 2023.

The attorney with principal supervisory responsibility for this appeal is Abby Wright of the U.S. Department of Justice, Civil Division, Appellate Staff. Ms. Wright also has supervisory responsibility for numerous other matters, including: *Bridgeport Hospital v. Becerra*, No. 22-5249 (D.C. Cir.) (response and reply brief due June 2, 2023); *Orlandi v. Nolen*, No. 22-5249 (D.C. Cir.) (response brief due June 5, 2023); *Mock v. Garland*, No. 23-10319 (5th Cir.) (expedited appeal) (response brief due June 15, 2023); *Salas v. United States*, No. 22-16936 (9th Cir.) (response brief due June 26, 2023); and *Olsen v. Becerra*, No. 23-35052 (9th Cir.) (response brief due June 29, 2023, as extended). In addition, Ms. Wright will be taking previously scheduled annual leave from June 21-24, 2023.

Michael Raab, also of the Appellate Staff, is also supervising this appeal. Among other matters, Mr. Raab also has supervisory responsibility for: *Rtskhiladze v. Mueller*, No. 21-5243 (D.C. Cir.) (response brief due May 30, 2023); *Braidwood Management Inc. v. Becerra*, No. 23-10326 (5th Cir.) (opening brief due June 20, 2023, as extended); *Leopold v. Manger*, No. 22-5304 (D.C. Cir.) (response brief due June 20, 2023); and *Azawi v. McDonough*, No. 22-56157 (9th Cir.) (response brief due June 30, 2023).

5. We have consulted with counsel for defendants-appellants, who have authorized us to state that they do not oppose the requested extension.

## CONCLUSION

For the foregoing reasons, the United States' unopposed motion for a thirty-day extension of time, to and including July 12, 2023, in which to file its response brief should be granted.

Respectfully submitted,

MICHAEL S. RAAB

ABBY C. WRIGHT

/s/ Jeffrey E. Sandberg

JEFFREY E. SANDBERG

Attorneys, Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Ave. NW, Rm. 7214

Washington, DC 20530

Phone: (202) 532-4453

jeffrey.e.sandberg@usdoj.gov

*Counsel for Plaintiff-Appellee*

*United States of America*

May 26, 2023

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 609 words, according to the count of Microsoft Word. The motion complies with Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Calisto MT, a proportionally spaced typeface.

/s/ Jeffrey E. Sandberg  
Jeffrey E. Sandberg  
*Counsel for Plaintiff-Appellee*  
*United States of America*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2023, I electronically filed the foregoing motion with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system. The participants in this case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey E. Sandberg  
Jeffrey E. Sandberg  
*Counsel for Plaintiff-Appellee*  
*United States of America*